

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CHRISTOPHER SIMMONS,**

**Plaintiff,**

**v.**

**THE SEA GATE ASSOCIATION,  
JEFFERY FORTUNATO and  
THOMAS CARCHIDI,**

**Defendants.**

**ECF/CM Case**

**Case No. 12-CV-4949- JBW-CLP**

**AFFIDAVIT OF PLAINTIFF IN  
SUPPORT OF APPLICATION FOR  
CERTIFICATE OF DEFAULT ON  
DEFENDANTS FORTUNATO AND  
CARCHIDI**

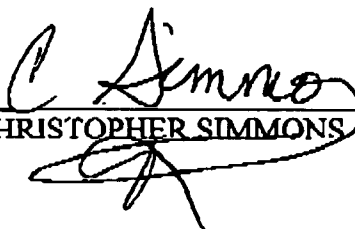
I, CHRISTOPHER SIMMONS, pursuant to 28 U.S.C. §1746, declares the following under the penalty of perjury:

1. I am the plaintiff in this action and I am familiar with the facts alleged therein and submit this affidavit in support of my a motion for default and issuance of a Certificate of Default with respect to the military status of Defendants Jeffery Fortunato and Thomas Carchidi.

2. Defendants Jeffery Fortunato and Thomas Carchidi are currently employed as supervisory employees of the Sea Gate Police Department, a department of the defendant, Sea Gate Association and such information is based on my personal knowledge.

3. I was employed with the Sea Gate Police Department as a Police Officer along with Defendants Jeffery Fortunato and Thomas Carchidi for over two and a half years and would interact with both defendants on a daily basis and based on my conversations with both defendants and my personal observations, I can say with a degree of certainty that they are not in the military.

Dated: New York, New York  
January 10, 2013

  
CHRISTOPHER SIMMONS